

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEITH RUSSELL JUDD

§

VS.

§ CIVIL ACTION NO. 1:06-CV-628

JULIE MARTIN

§

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Keith Russell Judd, a federal prisoner confined in Beaumont, Texas, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition pursuant to sanctions imposed by the United States Court of Appeals for the Fifth Circuit. *See Judd v. Winn*, 81 Fed.Appx. 479, 179-80 (5th Cir. 2003).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner contends that the sanctions were paid from his inmate account through the Inmate Financial Responsibility Program. In support of this contention, petitioner submitted a printout showing that he satisfied a \$500 fine imposed by a state.

This document does not refer to payments made to satisfy the sanctions imposed by the Fifth Circuit. Because petitioner has not submitted proof of the satisfaction of his monetary sanctions, as required by the sanction order, this petition must be dismissed. Therefore, after careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, petitioner's objections (document nos. 16 and 18) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **10** day of **January, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge